

May 11, 2004

AN ORDINANCE

BY: CITY UTILITIES COMMITTEE

AN ORDINANCE TO ABANDON THAT PORTION OF UNIMPROVED MARBUT AVENUE, SE LOCATED FROM MAYNARD TERRACE TO APPROXIMATELY 345 FEET WEST TO END CONSISTING OF .370 ACRES, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 178 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the abutting property owner, to abandon a portion of MARBUT AVENUE, SE for the purpose of using the property for their own private use; and

WHEREAS, the request to abandon said street has been reviewed by the proper city agencies and by all public utilities prior to passage of the legislation; and

WHEREAS, the abandoned right-of-way will become part of the abutting owner's private property and will be their responsibility to maintain, operate, and provide all services and utilities; and

WHEREAS, the abutting property owner has agreed to acquire said street from the City of Atlanta for the appraised fair market value; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

SECTION 1. That the portion of unimproved MARBUT AVENUE, SE located from Maynard Terrace to approximately 345 feet west to end consisting of .370 acres, more or less, and being more specifically described in the attached exhibit "A" lying and being in Land Lot 178 of the 15th District, DeKalb County, Georgia the same are hereby declared no longer useful or necessary for the public's use and convenience.

SECTION 2. That the City's intent is hereby given to abandon said street.

SECTION 3. That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal of said street.

SECTION 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

SECTION 5. That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine their fair market land value.

SECTION 6. That all costs associated with the appraisal report shall be charged to and paid from Account Number 3P02 574001 M22F03349999.

SECTION 7. That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

SECTION 8. That all ordinance and parts of ordinances in conflict herewith be and the same are hereby repealed.

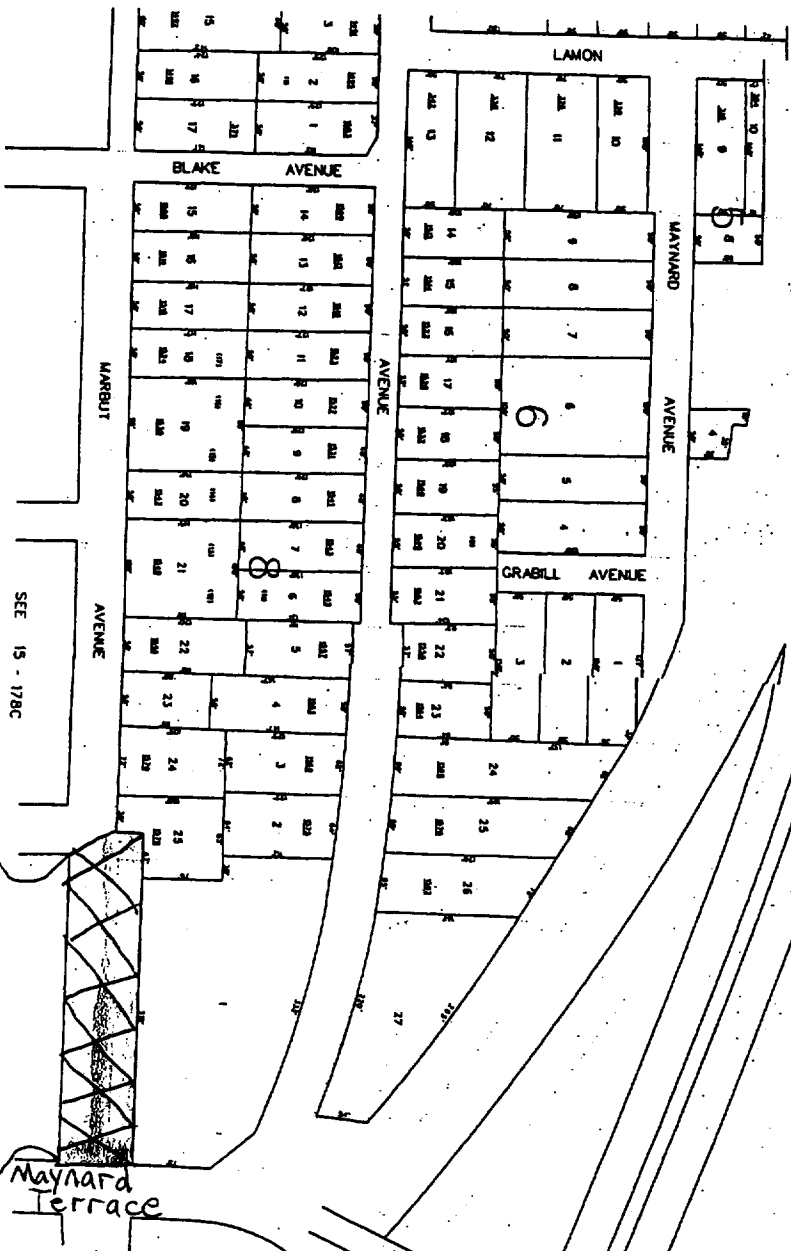
Exhibit "A"

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DEKALB COUNTY, GA

Proposed
(Abandonment)

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LAND DIST.	LAND LOT
A15	178D
DATE: 10/2/93	SCALE: 1"=100'